

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELAINE M. MONLUX,

Plaintiff,

v.

3M COMPANY et al.,

Defendants.

CASE NO. 2:24-cv-00912-LK

ORDER REQUESTING
SUPPLEMENTAL BRIEFING

This matter comes before the Court on Plaintiff Elaine Monlux’s Motion to Remand, Dkt. No. 125, and Defendant Foster Wheeler Energy Corporation’s Notice of Supplemental Authority in Opposition to Plaintiff’s Motion to Remand, Dkt. No. 170. After briefing was complete on the motion to remand, Plaintiff Elaine Monlux served requests for production to Foster Wheeler on September 24, 2024. Dkt. No. 170-1 at 8, 10.

The new requests for production ask Foster Wheeler to produce “[a]ll documents reflecting Defendant’s employees, equipment or materials on the PUGET SOUND VESSELS prior to 1963,” and define PUGET SOUND VESSELS to include “USS Gridley DLG 2, USS Goldsborough DDG 20, USS Cochrane DDG 21, [and] USS Benjamin Stoddert DDG 22[.]” *Id.* at 6. These discovery

1 requests could be interpreted to suggest that Monlux believes that Foster Wheeler exposed Richard
2 Monlux to asbestos aboard military vessels.

3 The Court therefore orders the parties to meet and confer regarding the import of the new
4 discovery requests, including whether Monlux is alleging that Mr. Monlux was exposed to asbestos
5 by Foster Wheeler equipment aboard a military vessel, and whether the causal connection element
6 of the government contractor defense is met under Ninth Circuit law, including but not limited to
7 *DeFiore v. SOC LLC*, 85 F.4th 546 (9th Cir. 2023), *Goncalves ex rel. Goncalves v. Rady*
8 *Children's Hosp. San Diego*, 865 F.3d 1237 (9th Cir. 2017), and *Leite v. Crane Co.*, 749 F.3d 1117
9 (9th Cir. 2014). If the parties are able to come to an agreement on these issues, they must file a
10 joint status report so stating by October 11, 2024. Otherwise, they must file supplemental briefing
11 on these issues: Monlux must provide her supplemental brief, not to exceed 2,100 words, by
12 October 15, 2024. Foster Wheeler must provide its response, not to exceed 2,100 words, by
13 October 29, 2024. No further briefing will be accepted on the issue.

14 The Clerk of the Court is directed to renote Plaintiff's Motion to Remand, Dkt. No. 125,
15 for October 29, 2024.

16 Dated this 1st day of October, 2024.

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18 _____
19 Lauren King
20 United States District Judge
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